

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

2008 MAY -2 A 9:01
~~DISTRICT OF UTAH~~

PAUL J. YOUNG,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

BY: DEPUTY CLERK
ORDER

Case No. 2:08-CV-152 DB
Related Case No. 2:01-CR-38 DB

Judge Dee Benson

Paul J. Young, a federal inmate appearing *pro se*, brings before the Court his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Mr. Young has also filed the following motions: Motion for Leave to File Excess Pages (Dkt. No. 4); Motion for Waiver of Copies Requirement (Dkt. No. 5); and Motion for Evidentiary Hearing (Dkt. No. 6). For the reasons set forth below, Mr. Young's § 2255 motion and subsequent motions are DENIED.

Mr. Young has filed with the Court a § 2255 motion pertaining to Case No. 2:01-CR-38 on three separate occasions. The first (Case No. 2:06-CV-1) was dismissed pursuant to a negotiated pretrial diversion agreement entered into by Mr. Young and the Government prior to the resolution of Case No. 2:01-CR-37. The pretrial diversion agreement includes the following condition:

You agree to take the steps necessary to obtain a dismissal with prejudice of your pending action under 18 U.S.C. § 2255 in the case styled, Paul J. Young v. United States, Case No. 2:06-CV-0001DB. **You also agree to waive any and all rights you have to file any action, including but not limited to any administrative, civil, or other action arising out of the facts, circumstances, and issues underlying the investigation, prosecution, and defense of the 38 case or the Young prosecution.**

Agreement For Pretrial Diversion (emphasis added). After the Court dismissed with prejudice Mr. Young's § 2255 motion arising out of the 38 case (Case No. 2:01-CR-38), Mr. Young filed another § 2255 motion (docketed in Case No. 2:01-CR-38). The Court denied the motion based on the pretrial diversion agreement.

Finally, Mr. Young filed this § 2255 motion in the above-captioned matter (Case No. 2:08-CV-152). In accordance with the pretrial diversion agreement, the Court will not entertain Mr. Young's motion since it is another attempt to challenge his sentence arising out of Case No. 2:01-CR-38. The Court will no longer entertain motions from Mr. Young that collaterally attack his plea or sentence, whether filed under 28 U.S.C. § 2255 or otherwise, unless directed to do so by the United States Court of Appeals for the Tenth Circuit.

IT IS SO ORDERED.

DATED this 1st day of ^{May}, 2008.



Dee Benson
United States District Judge